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January 15, 2021

VIA ECF:

Hon. Kevin N. Fox
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 1007

RE: *Bytemark, Inc. v. Xerox Corp. et al.*, 1:17-cv-01803-PGG, Court's January 13, 2020 Order

Dear Judge Fox:

We represent Defendants in the above-referenced matter and also submit a short letter in response to the Court's January 13, 2021 Order (Dkt. No. 129). Defendants truly regret any inconvenience to the Court stemming from their misunderstanding of the appropriate filing mechanism. Like Plaintiff, we reviewed the Court's December 14th Order (Dkt. No. 110), your Honor's and Judge Gardephe's individual rules and procedures, and believed we were to follow the bundling rule for the filing of our motion papers. *See* Judge Gardephe's Individual Rule of Practice IV.C (requiring the parties to "file motion and reply papers on ECF only when the entire motion has been briefed.").

As Plaintiff notes in its letter, Defendants served their Motion to Compel and Motion for Protective Order (Dkt. No. 115) on Plaintiff via email on December 28th with a Certificate of Service (Dkt. No. 111) filed on the docket that same day. All papers related to both parties' motions were then filed via ECF on January 6, 2021 (the day that replies in support of the respective motions were due). Defendants believed that such filings were timely and in compliance with the Court's Order, and sincerely apologize for their error in this regard.

With this letter, or by formal motion if the Court prefers, Defendants respectfully request that the Court reconsider its denial of Defendants' Motion.

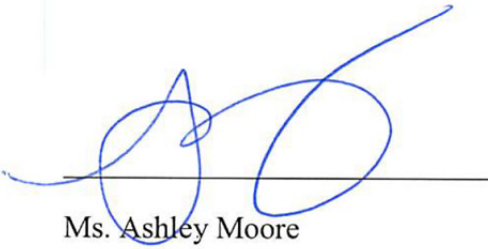
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Regards,



Ms. Ashley Moore